

## **Assembly Bill No. 1574**

### **CHAPTER 549**

An act to amend Sections 9162, 9286, and 10229 of the Elections Code, and to amend Section 4716 of the Health and Safety Code, relating to elections.

[Approved by Governor October 11, 2009. Filed with  
Secretary of State October 11, 2009.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1574, Committee on Elections and Redistricting. Elections.

(1) Under existing law, ordinances may be enacted by any county and a proposed ordinance may be submitted by the county board of supervisors to the voters within a county. Existing law also permits the voters in a county to submit a proposed ordinance or a proposal to enact, amend, or otherwise revise a county charter to the board of supervisors for that county. The board of supervisors may also submit to the voters, without a petition, an ordinance for the repeal, amendment, or enactment of any ordinance. Under existing law, when a county measure qualifies for a place on the ballot, arguments for or against the county measure may be submitted to the voters of the county. An argument for or against a county measure may be submitted by the board of supervisors, any member of the board of supervisors who is authorized by the board to submit an argument, an individual who is eligible to vote on the measure, or a bona fide association of citizens.

This bill would delete the requirement that a member of the board of supervisors be authorized by the board to submit an argument for or against a county measure. The bill would instead provide that an argument for or against a county measure may be submitted by the board of supervisors, any member of the board of supervisors, an individual who is eligible to vote on the measure, or a bona fide association of citizens.

(2) Existing law specifies deadlines for submitting arguments for printing in the sample ballot and sets a time limit for public examination of the ballot materials. The law provides an exemption for a consolidated city election.

This bill provides that the exemption for a consolidated city election applies to the time limitation for submitting ballot arguments.

(3) Existing law sets forth procedures for municipal elections and requires that all nomination papers be filed with the city elections official during regular business hours, as posted, no later than the 88th day before the election and specifies procedures if by 5 p.m. on the 88th day before the election, no one or only one person has been nominated for an office or the number of nominated persons is less than the number of at-large offices to be filled.

This bill would revise these provisions, changing the 5 p.m. deadline to the close of regular business hours, as posted.

*The people of the State of California do enact as follows:*

SECTION 1. Section 9162 of the Elections Code is amended to read:

9162. (a) The board of supervisors or any member or members of the board, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may file a written argument for or against any county measure. No argument shall exceed 300 words in length. The county elections official shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis with each sample ballot. The printed arguments and the analysis are “official matter” within the meaning of Section 13303.

(b) The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support of or in opposition to the proposed laws are the opinions of the authors.”

(c) Printed arguments submitted to voters in accordance with this section shall be titled either “Argument In Favor Of Measure \_\_\_\_” or “Argument Against Measure \_\_\_\_,” accordingly, the blank spaces being filled in only with the letter or number, if any, which designates the measure. At the discretion of the county elections official, the word “Proposition” may be substituted for the word “Measure” in the titles. Words used in the title shall not be counted when determining the length of any argument.

SEC. 2. Section 9286 of the Elections Code is amended to read:

9286. (a) Based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the 10-calendar-day public examination as provided in Article 6 (commencing with Section 9295) for the particular election, the city elections official shall fix a date 14 days from the calling of the election as a deadline, after which no arguments for or against any city measure may be submitted for printing and distribution to the voters, as provided in this article. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the city elections official during the normal business hours of the elections official’s office, as posted.

(b) The requirement in subdivision (a) that the period for submitting arguments for inclusion with the sample ballot materials must be 14 days from the calling of the election is not applicable when the election is consolidated with another election pursuant to Part 3 (commencing with Section 10400) of Division 10.

SEC. 3. Section 10229 of the Elections Code is amended to read:

10229. (a) If, by the 88th day, during normal business hours as posted, prior to the day fixed for a regularly scheduled municipal election or the

83rd day before the election, during normal business hours as posted, if an incumbent fails to file pursuant to Section 10225, (i) no one or only one person has been nominated for any office that is elected on a citywide basis, or (ii) no one or only one person is nominated to be elected from or by a legislative district, or (iii) in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election; or, if, by the 88th day, during normal business hours as posted, before a municipal election to fill any vacancy in office, no one or only one person has been nominated for any elective office to be filled at that election, and the election is subject to Section 36512 of the Government Code, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

- (1) Appoint to the office the person who has been nominated.
- (2) Appoint to the office an eligible elector if no one has been nominated.
- (3) Hold the election, if either no one or only one person has been nominated. The city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the city elections official.

After the fifth day following the date of posting or publication, the governing body of the city may make the appointment or direct an election to be held in the affected territory. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

Notwithstanding Section 10403, if, by the 75th day before the municipal election, no person has been appointed to office pursuant to paragraph (1) or (2), the election shall be held.

(b) Subdivision (a) shall not apply if, at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or a city measure has qualified and is to be submitted to the voters at that municipal election.

(c) Notwithstanding Chapter 1 (commencing with Section 8600) of Part 3 of Division 8, or any other provision of the law to the contrary, if the governing body of a city makes an appointment pursuant to subdivision (a), the elections official shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

(d) Nothing in this section shall be construed to prevent a city from enacting an ordinance pursuant to Section 36512 of the Government Code, requiring that a special election be held, or from enacting an ordinance pursuant to Section 36512 of the Government Code, providing that a person appointed to fill a vacancy on the city council shall hold office only until the date of the special election, or both. Any ordinance or ordinances may

allow for appointment consistent with subdivision (a) without requiring or providing for a special election.

If an appointment to office is made in a particular legislative district pursuant to subdivision (a), that appointment shall not affect the conduct of the municipal election in other legislative districts of the city.